GOVERNMENT OF INDIA
HOME AFFAIRS
LOK SABHA

UNSTARRED QUESTION NO:5243
ANSWERED ON:28.08.2001
REVIVAL OF IPC
DINESH CHANDRA YADAV;JAYABEN B. THAKKAR;RAM JEEVAN SINGH

Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether three judges bench of Supreme Court has recommended for revival of clauses 61 and 62 of Indian Penal Code Procedure;

(b) if so, the reasons therefor; and

(c) the reaction of the Government thereto?

Answer

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (I.D. SWAMI)

(a)&(b): Yes, Sir. The Court observed that sections 61 and 62 of the Indian Penal Code, 1860 are required to be reintroduced so as to have deterrent effect on those who are `bent upon to accumulate` wealth at the cost of the society by misusing their post or power.

(c): The Law Commission of India in its 166th Report recommended enacting a legislation titled `The Corrupt Public Servants (Forfeiture of Property) Act, 1999` for forfeiture of ill-gotten properties. The Report has been examined in consultation with legal experts and it has been felt that an enactment of a separate legislation for confiscating the illegally acquired assets of public servants may not be the solution of the problem. Rather, it would be more appropriate to strengthen the anti-corruption law by plugging the loopholes as well as by amending the Prevention of Corruption Act, 1988 suitably to make it more deterrent to achieve the objective. Accordingly, the matter is being processed further.